

AMENDED IN SENATE JUNE 26, 2002

AMENDED IN SENATE JUNE 4, 2002

AMENDED IN ASSEMBLY APRIL 24, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1798

Introduced by Assembly Member Chavez

**(Coauthors: Assembly Members Aroner, Bates, Dickerson,
Firebaugh, Leslie, Robert Pacheco, Pavley, Strom-Martin,
Wayne, Wiggins, and Wyland)**

(Coauthors: Senators Machado and Romero)

January 15, 2002

An act to add Section ~~6253.6~~ 27337 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1798, as amended, Chavez. Public records.

The

(1) *The* California Public Records Act provides that the public records, as defined, of every state or local agency are open for inspection at all times during the office hours of the agency, that every person has a right to inspect any public record except as provided in the act, and that every agency, upon request, shall make copies of records available upon payment of fees to cover ~~cost~~ costs. The act authorizes any agency to withhold disclosure of requested public records pursuant to specific statutory exemptions or by demonstrating that on the facts of the particular case the public interest served by not making the record

public clearly outweighs the public interest served by disclosure of the record.

Existing law establishes that the officers of a county include a county recorder, with specified duties, including the recording of various documents according to specified procedures.

This bill would require, if any military veteran requests the recordation of any military discharge document such as a veteran's service form DD214, that the county recorder shall require the veteran to sign a form that acknowledges that the document becomes a public document subject to inspection, as provided. By creating new duties for local agency officials, this bill would impose a state-mandated local program.

~~The~~

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section ~~6253.6~~ 27337 is added to the
2 Government Code, to read:

3 ~~6253.6.—~~

4 27337. If any military veteran requests the recordation in any
5 county in this state of any military discharge document, such as a
6 veteran's service form DD214, the county recorder shall require
7 the veteran to sign a form stating the following:

8

9 ~~“I the undersigned~~ “*I, the undersigned*, hereby acknowledge
10 that I am informed that by recording the attached military
11 discharge document, all information referenced within it

1 becomes a public record pursuant to the California Public
2 Records Act, and that this information is open to inspection
3 by any person.”
4

5 _____
6 Print Name

Signature

Date

7
8 SEC. 2. Notwithstanding Section 17610 of the Government
9 Code, if the Commission on State Mandates determines that this
10 act contains costs mandated by the state, reimbursement to local
11 agencies and school districts for those costs shall be made pursuant
12 to Part 7 (commencing with Section 17500) of Division 4 of Title
13 2 of the Government Code. If the statewide cost of the claim for
14 reimbursement does not exceed one million dollars (\$1,000,000),
15 reimbursement shall be made from the State Mandates Claims
16 Fund.

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